# EXHIBIT 1

1772

DISTRICT COURT OF THE STATE OF NEW YORK COUNTY OF NASSAU, FIRST DISTRICT,

NY

DIMENOSTIC 1M NENCOS SARVICOS

MELISSA COLLINS,

**Plaintiff** 

**SUMMONS** 

CV-004238-18

Index No.

Plaintiff's Residence Address

-against-

1133 Haynes Place

ONLINE COLLECTIONS dba ONLINE INFORMATION SERVICES,

Baldwin, NY 11510

Defendant

\_\_\_\_X

Basis of Venue: Plaintiff's address

Defendant's Address:
685 W. Fire Tower Rd
Winterville, NC 28590

To the above named defendant(s):

YOU ARE HEREBY SUMMONED and required to appear in the District Court of the County of Nassau, First District, at the office of the Clerk of said Court at 99 Main Street, Hempstead, New York 11550, in the County of Nassau, State of New York, by serving an answer to the annexed complaint upon Plaintiff's attorney, at the address stated below, or if there is no attorney, upon the Plaintiff at the address

stated above; upon your failure to answer, judgment will be taken against you for the relief demanded in the complaint, together with the costs of this action.

DATED: March 15, 2018

Edward B. Geller, Esq.
Edward B. Geller, Esq., P.C.
Attorney for Plaintiff
15 Landing Way
Bronx, New York 10464
Tel:(914)473-6783

NOTE: The law or rules of court provide that:

- (a) If this summons is served by its delivery to you or (for a corporation), an agent authorized to receive service personally within the County of Nassau, you must answer within 20 days after such service; or
- (b) if this summons is served otherwise than as designated in subdivision (a) above, you are allowed 30 days to answer after the proof of service is filed with the Clerk of this Court.
- (c) You are required to file a copy of your answer together with proof of service with the Clerk of the District in which the action is brought within ten days of the service of this answer.

DISTRICT COURT OF THE STATE OF NEW COUNTY OF NASSAU	
MELLISA COLLINS.	Index No.:
Plaintiff.	
-against-	COMPLAINT
Plaintiff,	

ONLINE COLLECTIONS dba
ONLINE INFORMATION SERVICES,

Defendant(s).

Plaintiff, MELISSA COLLINS ("Plaintiff"), by and through her attorneys, M. Harvey Rephen & Associates, P.C., by Edward B. Geller, Esq., P.C., Of Counsel, as and for her Complaint against the Defendant(s), ONLINE COLLECTIONS dba ONLINE INFORMATION SERVICES, (hereinafter referred to as "Defendant(s)"), respectfully sets forth, complains and alleges, upon information and belief, the following:

## INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

### **PARTIES**

2. Plaintiff MELISSA COLLINS is a resident of the State of NEW YORK, residing at 1133 Haynes Place, Baldwin, NY 11510.

- 3. Defendant ONLINE COLLECTIONS dba ONLINE INFORMATION SERVICES is a NORTH CAROLINA company engaged in the business of debt collecting with an address at PO BOX 1489 WINTERVILLE, NC 28590.
- 4. Plaintiff is a "consumer" as the phrase is defined and used in the FDCPA under 15 USC §1692a (3).
- 5. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).
- The within causes of action arose in the County of Nassau, State of New York.

#### FACTUAL ALLEGATIONS

- 7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.
- 8. Upon information and belief, Defendant, on behalf of a third-party, began efforts to collect an alleged consumer debt from the Plaintiff.
- 9. Upon information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communications with the Plaintiff by reporting an account to national credit bureaus.
- 10. On or about September 20 2017, the Plaintiff pulled her credit report with Equifax, Experian and Transunion and noticed an account reporting with the Defendant.
- 11. A collection account originating from Diagnostic Imaging Services in the amount of \$50 dollars was reporting on the Experian and Equifax reports as being collected under Online Collections. The Experian report had a phone number listed as 252-757-2101

and an address PO BOX 1489 Winterville, NC 28590.

- 12. A copy of the Plaintiff's Experian and Equifax reports are attached hereto as exhibits "A&B"
- 13. The Transunion report had the same account for the Plaintiff listed as being collected under Online Information Services with the same phone number and address and stated above in line 12 for Online Collections.
- 14. A copy of the Plaintiff's Transunion credit report is attached hereto as exhibit "C".
- 15. On or about September 20th, 2017 the Plaintiff sought credit assistance from Gisela. an employee of Asset Protection and Management Inc.
- 16. On September 20<sup>th</sup>, 2017 Gisela called the phone number 252-757-2101, which was listed on both the Experian and Transunion credit reports, to find out which company it was issued to.
- 17. Gisela was connected with a female representative who stated her name as Jordan.
- 18. Gisela asked the representative if she had contacted Online Collections or Online Information.
  - 19. The representative responded "It was the same thing let's put it that way."
- 20. Gisela asked to confirm that they were the same company and the representative responded yes. Gisela asked for a fax number and found out they only accepted documents by mail and concluded the call.

## FIRST CAUSE OF ACTION (Violations of the FDCPA)

- 21. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "20" herein with the same force and effect as if the same were set forth at length herein.
- 22. 15 USC §1692 e preface states that a debt collector may not use any false. deceptive or misleading representations in connection with the collection of a debt.
- 23. Defendant violated 15 USC §1692 e preface on September 20<sup>th</sup>, 2017 when it deceptively reported the Plaintiff's account first under one name, then under another, as confirmed during the September 20<sup>th</sup>, 2017 phone call when the representative confirmed Gisela's question that both Online Collection and Online Information Services were the same company. Although they are the same company it is deceptive and confusing for a Plaintiff to see two different collection agency names for one account listed on her credit reports.
- 24. 15 USC §1692 f preface prohibits a debt collector from using any unfair or unconscionable means in connection with the collection of a debt.
- 25. The Defendant violated 15 USC §1692 f preface when it unfairly reported the Plaintiff's account first under one name, then under another, as confirmed during the September 20th, 2017 phone call when the representative stated that Online Collections and Online Information Services was the same company. When a collection agency reports under two different names with two different agencies it harms the Plaintiff twice because a creditor pulling both reports would believe that there are two different agencies reporting a debt. This is unfair to the Plaintiff.
- 26. 15 USC §1692 e (14) prohibits the use of any business, company, or organization name other than the true name of the debt collector's business, company or

organization.

- 27. Defendant violated 15 USC §1692 e (14)- on September 20<sup>th</sup>, 2017 when it reported the Plaintiff's same account under two alternate names. As confirmed during the September 20<sup>th</sup>, 2017 phone call the Defendant's agent stated that Online collections and Online Information services was indeed the same company. Since the Defendant was using two names to report the same account, one of them is not the true name of the company.
- 28. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendant as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1) in the amount of \$15,000.00;
- B. For statutory damages provided and pursuant to 15 USC §1692(2)(A);
- C. For statutory damages provided and pursuant to 15 USC§1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15USC § 1692(a)(3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated:

March 6, 2018

Respectfully submitted,

Edward B. Geller, Esq.

Edward B. Geller, Esq., P.C., Of Counsel to M. HARVEY REPHEN & ASSOCIATES. P.C.

15 Landing Way

Bronx New York 10464 Phone: (914)473-6783

Attorney for the Plaintiff MELISSA COLLINS

https://www.freecreditreport.com/c/#/print/experien/



Credit Report Prepared Foc.

MELISSA COLLINS

Experian Report As Of: Sep 20, 2017

Personal & Confidential

https://www.freecreditreport.com/c/#/print/experian-

**ÉLIS**SA COLLINS - Experien-ည်စာ။ of Report Sep 20, 2017



#### ONLINE COLLECTIONS

Closed

ACCOUNT DETAI	ıs	CONTACT INFORMATION
Account Name	CALINE COLLECTIONS	FO BOX 1489 WMTERVILLE INC 28590 (252) 757-2101
Original Creditor	DIAGNOSTIC IMAGING SERVICES	PAYMENT HISTORY
Company Sold		2017 2016 2015
Account Type	Dollection Department / Agency / Attorney	@@@@ G888 0 <b>000</b>
Oste Opened	ಚರ್ಚೆ 1, 2015	<b>GEWE</b> 2000 G000
Account Status	Closed	EF COL SON DAY SAN COL NOT DAY DAY SAN GO GO NOT NOT DEC
Payment Status	Seriously past due date / assigned to attorney, collection agency, or credit grantor's internal collection department	
Status Updated	Sep 1, 2015	
Balance	\$50	
Balance Updated	Sep 11, 2017	
Original Balance	50	
Monthly Payment	• -	
Past Due Amount	\$50	
Highest Balance	•	
Terms	1 Month	
Responsibility	Individual	
Your Statement		
Comments	e e	

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Melissa Collins's Credit Report

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Full Credit Report | Credit Karma

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Melissa Collins's Credit Report

TransUnion

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Placed for collection

## **AFFIRMATION**

Melissa Collins, under the penalty of perjury, deposes and says:

I am the Plaintiff in the above entitled action. I have read the foregoing Complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.

[Signature]

Melissa COLLIDS

[Printed]

Plaintiff

Affirmed before me this 7 day of March 2018

Notary Public

PELEN J GALLOPIN:
Notary public State of New York
NO DEGAN A9013
Obsolited in Nossal County
My Commission Expires Jul 3, 3018

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ID#, (HE) lp?

COLLINS, MELISSA 2071 SE JACKSON ST	SPOUSE: SSN : 0633 LIC# :	PH: UNVERIFIED CELL **AUXMASTER** GOOD ADDRESS
STUART, FL 349975861	REM	/0.0.4.E
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Case 2:18-cv-02136-JMA-AKT Document 1-1 Filed 04/10/18 Page 25 of 36 PageID #: 69

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# Case 2:18-cv-02136-JMA-AKT Document 1-1 Filed 04/10/18 Page 30 of 36 PageID #: 74 CREDIT TRACKING REPORT FOR ACCOUNT # 1772

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COLLINS, MELISSA 2071 SE JACKSON ST SPOUSE: SSN : 0633 LIC# : PH: UNVERIFIED CELL \*\*AUXMASTER\*\* GOOD ADDRESS

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(05) City	STUART	(11) Social Sec # D633
(06) State and Zip	FL 349975861	(12) Lic No.
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